

McDermott Will&Emery

Boston Brussels Chicago Düsseldorf London Los Angeles Miami Munich
New York Orange County Rome San Diego Silicon Valley Washington, D.C.

Peter J. Sacripanti
Attorney at Law
psacripanti@mwe.com
212.547.5583

October 11, 2013

BY ELECTRONIC MAIL AND HAND DELIVERY

The Honorable Shira A. Scheindlin
United States District Judge
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street, Room 1620
New York, New York 10007-1312

Re: Master File C.A. No. 1:00-1898 (SAS), M21-88, MDL No. 1358
Update on Defendants' Agenda Items for October 15, 2013 Conference

Dear Judge Scheindlin:

As previously requested by the Court, we write to provide an update on items that may be removed from the October 15, 2013 status conference agenda.

Defendants' Agenda Item 2 - City of Fresno: Dismissal of the Tesoro and Kern Defendants Based on the Court's MSJ Rulings – The Tesoro and Kern Defendants have notified liaison counsel that this item can be removed from the agenda.

Defendants' Agenda Item 3 - Puerto Rico: Plaintiffs' Failure to Properly Respond to Total Petroleum Puerto Rico Corp.'s (TPPRC) Discovery Requests Regarding Trial Site No. 9 – In light of Plaintiffs' representation that they will be serving supplemental responses “on Friday, October 11 or shortly thereafter,” TPPRC has notified liaison counsel that this item can be removed from the agenda. TPPRC will carefully review Plaintiffs' supplemental responses and reserves the right to raise this issue with the Court at the next conference if the deficiencies identified in TPPRC's letter of August 1 are not cured or if Plaintiffs' supplemental responses are not substantive or responsive.

Respectfully submitted,



Peter John Sacripanti

cc: All Counsel By LNFS, Service on Plaintiffs' Liaison Counsel